

**COUNTY COUNCIL
OF
HARFORD COUNTY, MARYLAND**

Bill No. 04-27

Introduced by: Council Member Chenoweth

Legislative Day No. 04-22 Date: August 3, 2004

AN EMERGENCY ACT to establish a temporary moratorium on the approval of site plans and issuance of building permits for the construction of motor vehicle filling and service stations and uses that include gas dispensing pumps; to establish the duration of the moratorium; and generally relating to a temporary moratorium regarding motor vehicle filling and service stations and uses that include gas dispensing pumps.

By the Council, August 3, 2004

Introduced, read first time, ordered posted and public hearing scheduled

on: September 7, 2004

at: 6:15 p.m.

By order: Barbara J. Ruth, Council Administrator

PUBLIC HEARING

Having been posted and notice of time and place of hearing and title of Bill having been published according to the Charter, a public hearing was held on September 7, 2004 and concluded on September 7, 2004.

Barbara J. Ruth, Council Administrator

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW. [BRACKETS] indicate matter Deleted from existing law. Underlining indicates Language added to bill by amendment. Language lined through indicates matter stricken out of Bill By amendment.

1 WHEREAS, MTBE has recently been detected in numerous residential wells in the
2 Fallston area; and

3 WHEREAS, There is an ongoing investigation concerning an increase in the MTBE
4 levels in the monitoring wells at the Exxon station at Upper Crossroads in Fallston; and

5 WHEREAS, The County, the Harford County Health Department and the Maryland
6 Department of the Environment are actively investigating the contamination of the
7 monitoring wells at this site; and

8 WHEREAS, Exxon is working with the government agencies and the community to
9 determine the source of the contamination; and

10 WHEREAS, It is anticipated that the investigation, report and action plan will be
11 forthcoming in late September or early October; and

12 WHEREAS, The County feels it is necessary to make every effort to prevent the
13 possibility of future contamination from any additional motor vehicle filling and service
14 stations and the operation of gas dispensing pumps; and

15 WHEREAS, The Council finds that a temporary moratorium is necessary to make every
16 effort to prevent further contamination of domestic water sources pending the completion
17 of necessary studies.

18 NOW, THEREFORE,

19 Section 1. Be It Enacted By The County Council of Harford County, Maryland, that:

20 ~~A. There is hereby established a moratorium on the approval of site plans and on the~~
21 ~~issuance of building permits for the construction of motor vehicle filling and service~~
22 ~~stations and uses that include gas dispensing pumps.~~

1 A. There is hereby established a moratorium on the approval of site plans, issuance of
2 building permits and the issuance of any type of use and occupancy permits for motor
3 vehicle filling and service stations and uses that include gas dispensing pumps.

4 B. The moratorium shall be applicable to property throughout the County.

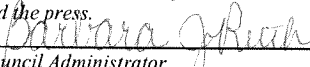
5 ~~C. The moratorium shall be in effect for 180 calendar days from the date this Act~~
6 ~~becomes law and could be shortened or extended by further legislative action by the~~
7 ~~Council depending on how rapidly the studies are concluded and how rapidly a plan is~~
8 ~~developed and implemented to mitigate the contamination by MTBE's occurring at gas~~
9 ~~dispensing pumps.~~

10 C The moratorium shall be in effect for 180 days from the date this Act becomes law and
11 could be shortened or extended by further legislative action by the Council dependent on
12 the County Council adopting comprehensive legislation concerning water resource
13 protection.

14 Section 2. And Be It Further Enacted, That this Act is declared to be an Emergency
15 Act necessary to provide the County and the State the time to study this site and develop
16 an action plan to mitigate the contamination by MTBE's occurring at gas dispensing
17 pumps, to clarify the steps to be taken to make every effort to ensure that this problem
18 does not occur in the future and to further provide for legislation to protect drinking water
19 resources as necessary and shall take effect on the date it becomes law.

EFFECTIVE: September 9, 2004

The Council Administrator of the Council does hereby certify that fifteen (15) copies of this Bill are immediately available for distribution to the public and the press.



Council Administrator

BILL NO. 04-27
As Amended

HARFORD COUNTY BILL NO. 04-27 As Amended

Brief Title Moratorium – Service Stations

is herewith submitted to the County Council of Harford County for enrollment as being the text as finally passed.

CERTIFIED TRUE AND CORRECT

Barbara J. Ruth
Council Administrator

Date September 7, 2004

ENROLLED

Robert S. Wagner
Council President

Date September 7, 2004

BY THE COUNCIL

Read the third time.

Passed: LSD 04-23

Failed of Passage: _____

By Order

Barbara J. Ruth
Council Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of September, 2004 at 3:00 p.m.

Barbara J. Ruth
Council Administrator

BY THE EXECUTIVE

James M. Harbison
COUNTY EXECUTIVE

APPROVED: Date September 9, 2004

BY THE COUNCIL

This Bill No. 04-27 As Amended, having been approved by the Executive and returned to the Council, becomes law on September 9, 2004.

EFFECTIVE DATE: September 9, 2004

Barbara J. Ruth
Barbara J. Ruth, Council Administrator

BILL NO. 04-27
As Amended